

Summary of the Office Action

Claims 1 and 8 are objected to because of informalities.

Claims 1, 3, 8 and 10-12 are rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,476,491 to *Harada et al.*

Claims 9 and 13 are rejected under 35 U.S.C. § 103(a) as being unpatentable over *Harada et al.* in view of U.S. Patent No. 6,441,467 to *Toyosawa et al.*

Summary of the Response to the Office Action

Applicants have amended claims 1 and 8 only with respect to the informalities noted by the Final Office Action. Claims 1-13 are pending.

In addition, a Verified Translation of the priority document and a Declaration under 37 C.F.R. § 1.131 are being submitted concurrently herewith.

The Objection to the Claims

Claims 1 and 8 stand objected to because of informalities. Applicants have amended claims 1 and 8 in accordance with the comments of the Examiner to correct the informalities. Accordingly, Applicants respectfully request that the objection to the claims be withdrawn. Applicants respectfully submit that the amendments do not narrow the scope of the claims and do not relate to any issue of patentability.

The Rejection under 35 U.S.C. §§ 102(e) and 103(a)

Claims 1, 3, 8 and 10-12 are rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,476,491 to *Harada et al.* Claims 9 and 13 are rejected under 35 U.S.C. § 103(a) as being unpatentable over *Harada et al.* in view of U.S. Patent No. 6,441,467 to *Toyosawa et al.* *Harada et al.* has a U.S. filing date of January 10, 2001. The present application claims benefit to Japanese Patent Application No. 2001-6581 filed in Japan on

January 15, 2001, and a Verified Translation of the priority document is being submitted concurrently herewith. Accordingly, Applicants respectfully assert that the claimed invention is entitled to a constructive reduction to practice on January 15, 2001. Moreover, as evidenced by the Declaration under 37 C.F.R. § 1.131 filed concurrently herewith, Applicants respectfully assert that the present inventors conceived the present invention by at least January 5, 2005 and that diligence was exercised between at least January 5, 2001 and January 15, 2001. Thus, Applicants respectfully submit that the present inventors are entitled to a date of invention of at least January 5, 2001, which is before the U.S. filing date of *Harada et al.* As such, Applicants respectfully submit that *Harada et al.* should not be considered as prior art in the present application, thereby rendering the rejections moot.

Conclusion

Applicants respectfully request that this Amendment under 37 C.F.R. § 1.116 be entered by the Examiner, placing all pending claims in condition for allowance. Applicants submit that the claim amendments do not raise new issues or necessitate additional search of the art by the Examiner.

Should the Examiner feel that there are any issues outstanding after consideration of this response, the Examiner is invited to contact Applicants' undersigned representative to expedite the prosecution.

If there are any other fees due in connection with the filing of this response, please charge the fees to our Deposit Account No. 50-0310. If a fee is required for an extension of time under

37 C.F.R. 1.136 not accounted for above, such an extension is requested and the fee should also be charged to our Deposit Account.

Respectfully submitted

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